

KEVIN LAWRENCE BARRON
ATTORNEY AT LAW

453 WASHINGTON STREET - 5TH FLOOR
BOSTON, MASSACHUSETTS 02111-1325 1
TELEPHONE: 617-482-6368
TELECOPIER 617-517-7711
E-MAIL: K@LAWYERBARRON.COM

ADMITTED MA, NY, ME

July 14, 2006

Ms. Rebecca Tamez, Chief
Federal Bureau of Prisons
Designation & Computation Center
346 Marine Forces Drive
Grand Prairie, TX 75051

REGULAR MAIL

RE: *US v. Michael W. Alcott*
Reg. No. 25301-038
Action No. 1:04-cr-10286 PBS

Dear Ms. Tamez:

Thank you for the US Bureau of Prisons' June 29, 2006 letter to the Hon. Patti B. Saris, USDCJ concerning its decision not to follow her Honor's recommendation to FMC Rochester and participation in the RDAP. As Mr. Alcott's counsel, I received the letter through this District's ECF when it was posted electronically on July 13, 2006.

After reading and considering your letter carefully, I write to ask your office to reconsider Mr. Alcott's designation to medium security section USP Canaan facility for his 92-month sentence. Doubtless your office carefully considers all the information about a prisoner (for example from the PSR) and the security needs and resources of the US Bureau of Prisons. I was, however, surprised by this particular prisoner's designation and thought that I would attempt to gain some reconsideration in your office.

Security considerations are paramount and I begin there. Mr. Alcott is a 45 year-old male of slight to average build. His home is ~~2474 Meadow Hill Drive, SW, 1413 W. CENTER~~ Rochester, Minnesota, where his wife and two infant children reside. See first page of March 16, 2006 final PSR. The offenses of conviction all involve no actual violence. They are bank fraud, false statement and a Travel Act conviction involving state-law extortion in the nature of blackmail (threatening to reveal a sexual relationship not involving any threat of violence). He has had one previous term of incarceration in 1993 based on the revocation of a 1987 sentence

for a state-court bank robbery conviction with a toy cap gun PSR, ¶76 (top page 18). He served his sentence to parole at Massachusetts Correctional Institutes *GARDNER & PLYMOUTH* *Concord* with no disciplinary citations. (PSR ¶76, middle p. 18.) His pre-trial *8 YES PTOOL* detention on the offenses of conviction has been similarly favorable. He is a work crew supervisor in pre and post-conviction detention at Plymouth County Correctional Facility and is afforded his own cell. *I do not believe* he has had any disciplinary reports in his fourteen months there.

Medical needs and substance abuse considerations were important to the Court's and recommendation. I attach pages 60 through 65 of Mr. Alcott's March 3, 2006 sentencing hearing transcript and sections of his medical record concerning bipolar disorder and alcoholism. Her Honor specifically found as follows:

THE COURT: He was excellent here, better than -- I mean, I'm wondering whether the drugs [lithium carbonate and antidepressants] actually have made a difference, compared to the way I have seen him in the past. At this point we now have a record, and so maybe he should be evaluated at a federal medical center. Transcript, p. 63.

The Court's concerns over mental health have a basis in the medical record. Mr. Alcott is treating for bipolar disorder with a 300mg dose of lithium carbonate twice daily. See attached medical records from Plymouth County Correctional Facility (contract pretrial detention facility). It is my understanding that Dr. Jorge Veliz, the treating physician at PCCF, has diagnosed Mr. Alcott recently as bipolar. Mr. Alcott also suffers from a painful slipped disk and is in need of knee surgery.

PROZAC
PTSD
A THERAPY
TRENDS
NEW MEDS

Finally, Mr. Alcott has a longstanding need for the RDAP. His criminal record shows a history of arrests for minor alcohol related crimes and

Accordingly, Mr. Alcott would like your office to reconsider

Sincerely,

Kevin L. Barron

Kevin L. Barron